

OPINION
62-167

June 14, 1962 (OPINION)

POLITICAL PARTIES

RE: County Committee - Members

This office acknowledges receipt of your letter of June 12, 1962, in which you make the following request:

May we have your opinion as to whether or not the county chairman, state central committeeman, county executive committee members, and any other officers must be elected from among the precinct committeemen, or may the precinct committeemen go outside their own ranks to find such officers?"

Section 16-17-10 of the North Dakota Century Code deals with the organization of county central committee, and reads as follows:

MEETING OF COUNTY COMMITTEE - ORGANIZATION. The county committee of each party shall meet at a place designated by the county auditor at the county seat at any hour between the hours of two o'clock p.m. and eight o'clock p.m. on the second Monday in July following the primary election. The exact hour shall be set by the existing county committee chairman. The county committee shall organize by:

1. Selecting a chairman, a vice-chairman, a secretary, and a treasurer;
2. Adopting rules and modes of procedure not in conflict with law; and
3. Selecting an executive committee consisting of from five to eleven persons chosen from the county committee. The chairman and secretary of the county committee shall be members of the executive committee.

In counties having more than one legislative district, each legislative district is entitled to representation on the county executive committee apportioned in the ratio which the number of precinct committeemen each legislative district may have bears to the total number of precinct committeemen in the county, and shall be selected by the precinct committeemen from each legislative district meeting separately."

This section does not specifically state that the chairman, vice-chairman, secretary and treasurer shall be members of the county central committee, but in subsection 3 of said section, we find the definite requirement that the "executive committee of from five to eleven persons" are to be chosen from the county committee. Further, the "chairman and secretary of the county committee shall be members of the executive committee." Since the executive committee is to consist of from five to eleven persons all members of the county

committee and the chairman and secretary of the county committee, are included in that number, we assume that both the chairman and secretary must of necessity be members of the county committee in order to qualify for membership on the executive committee.

Furthermore, there is the reasonable presumption that unless there is something in the statute to the contrary, the officers would come from the members of the county central committee. In the organization of the state committee, for which provision is made in section 16-17-15 of the North Dakota Century Code, an exception is made for in this section we find the following rule, "The officers elected need not be members of such committee." No such statement appears in section 16-17-10. The vice chairman would be in the same position as the chairman because he might have to step into the chairman's shoes on short notice.

In addition, we have section 16-17-09 stating that certain classes of individuals "shall constitute the county committee." In view of this, it would appear that outsiders could not be selected to act as chairman and secretaries of the county committees, and that, therefore, the officers of the committees must be either precinct committeemen, nominees for, or members of, the Legislative Assembly.

Section 16-17-11 of the North Dakota Century Code, as amended, answers your question concerning the qualifications of the state committeeman, and reads as follows:

COUNTY COMMITTEE TO SELECT DELEGATE FOR STATE CENTRAL COMMITTEE. In a county consisting of one legislative district, the county committee, at the meeting provided for in section 16-17-10, shall select a legal voter to act upon and be a member of the state central committee of such party. In counties having more than one legislative district, the precinct committeemen from each legislative district, meeting separately, shall select a legal voter from their legislative district to serve on such state central committee. When two or more counties are embraced in one legislative district, each county shall be entitled to elect a member to the state central committee and such member shall be selected by the precinct committeemen from each county meeting separately." (Emphasis supplied.)

It is entirely clear that the state committeeman need not be a member of the county central committee.

Therefore, it is the opinion of this office that the officers of the county central committee specified in section 16-17-10 of the North Dakota Century Code, including members of the executive committee, must be chosen from the membership of the county central committee. Furthermore, it is our opinion that the state committeeman, representing the legislative district on the state central committee, need not be a member of the county central committee.

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